

REMARKS

Claims 1-12, 14-26 and 29 are now pending in the application. Claims 1-12 and 14-26 stand rejected. Claims 13, 27 and 28 have been previously cancelled. Claims 1, 2, 7, 15 and 21 have been amended herein, and Claim 29 is new. Support for the amendments and new claim can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments, new claim, and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended Claim 7 to be dependent on Claim 2 and thereby provide antecedent basis for "the first pivot axis" recited in Claim 8. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 15-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended the preamble of Claim 15 to further specify Applicants' claimed subject matter. Therefore, reconsideration and withdrawal of this rejection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-6, 12, 15 and 21-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rop (U.S. Pat. No. 2,948,560; hereinafter "Rop"). This rejection is respectfully traversed.

Initially, Applicants note that Rop discloses a keeper 11a that is coupled to a refrigerator cabinet. Latch bolts 14a and handle 20a are coupled to a refrigerator door (Fig. 7). The latch bolt 14a is pivotally mounted such that when the handle 20a is pushed in, the pin 24a draws the right-hand ends of the base portion 17a together to release the keeper 11a from the latch bolts 14a. The bolt members 14a are required to be parallel to the keeper 11a, as the angled surface of the keeper 11a must squarely contact rollers 16a at the end of the bolt members 14a in order to re-latch the door. The handle 20a is visible when the door is in the closed position, as shown in Fig. 7. In contrast, independent Claim 1 has been amended to recite:

...a door pivotally coupled to the housing, the door including a side;

a cap portion that defines a recess, the cap portion coupled to the side of the door such that the recess is disposed within the door;

* * *

wherein the latching arrangement is disposed within the recess of the door such that the handle and pawl are **hidden from view when the door is in the closed position** (emphasis added).

Independent Claim 15 has been amended to recite:

...wherein the latching arrangement is disposed within a recess of the door such that the handle and pawl are

hidden from view when the door is in the closed position
(emphasis added).

Independent Claim 21 has been amended to recite:

...wherein the handle is concealed by a perimeter of the door when the **door is in the closed position** (emphasis added).

In view of the above discussion, Applicants respectfully assert that Rop does not teach, suggest or disclose each and every element of Claims 1, 15 and 21. In this regard, the Office states that the latching arrangement is disposed in a portion of the door, however, Applicants assert that Rop does not teach, suggest or disclose a cap portion coupled to a side of the door that defines a recess, a latching arrangement disposed within the recess such that the handle and pawl are hidden from view when the door is in the closed position, or that the handle is concealed by a perimeter of the door when the door is in the closed position. Rather, Rop teaches in both of his embodiments that the handle 20a is visible when the door is in the closed position, as illustrated in Figs. 5 and 7. In addition, Applicants note it would not be obvious to modify Rop to arrive at Applicants' claims herein as it would change the principle of operation of the handle 20a of Rop. Applicants further note that none of the cited references include a cap portion coupled to a side of the door, and it would not be obvious to modify Rop to include a cap portion in light of the cited art.

Accordingly, in view of the above, Applicants respectfully assert that Rop does not teach, suggest or disclose each and every feature of Claims 1, 15 and 21, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of

Claims 1, 15 and 21 under 35 U.S.C. § 102(b). Further, as Claims 2-6, 12 and 22-25 depend directly or indirectly from independent Claims 1 or 21, Claims 2-6, 12 and 22-25 should be in condition for allowance for at least the reasons set forth for Claims 1 and 21 above. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejections of Claims 2-6, 12 and 22-25 under 35 U.S.C. § 102(b).

Claim 15 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (U.S. Pat. No. 5,915,805; hereinafter "Lee"). This rejection is respectfully traversed.

Regarding Lee, Applicants note that Lee discloses a handle assembly 400 that is pivotally mounted to a front surface of a door 30. As shown in Figs. 4 and 6, the handle 42 is visible when the door 30 is in the closed position. In contrast, independent Claim 15 has been amended to recite:

...wherein the latching arrangement is disposed within a recess of the door such that the handle and pawl are **hidden from view when the door is in the closed position** (emphasis added).

Applicants respectfully assert that Lee does not teach, suggest or disclose each and every element of Claim 15. In this regard, Lee does not teach, suggest or disclose a latching arrangement disposed within a recess of a door such that the handle and pawl are hidden from view when the door is in the closed position. Rather, Lee teaches that the handle 42 is visible when the door 30 is in the closed position, as illustrated in Figs. 4 and 6. Further, Applicants note it would be improper to modify Lee to include the handle and

pawl disposed within a recess of the door and hidden from view as it would change the principle of operation of the handle of Lee.

Accordingly, in view of the above, Applicants respectfully assert that Lee does not teach, suggest or disclose each and every feature of Claim 15, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of Claim 15 under 35 U.S.C. § 102(b).

Claims 1-4, 7, 12, 15-17, and 21-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Curtiss (U.S. Pat. No. 2,445,709; hereinafter "Curtiss"). This rejection is respectfully traversed.

Applicants note that Curtiss discloses a refrigerator 10 that includes a cabinet 11 and a door 12 that is secured to the cabinet via a latch. The latch includes a handle 36 that is coupled to the exterior door 12. As shown in Figure 1, the handle 36 is coupled to the front of the door 12 and is visible when the refrigerator 10 is in a closed position. Applicants note that independent Claims 1 and 15 have been amended to recite that the latching arrangement is disposed within the door such that the handle and pawl are hidden from view when the door is in the closed position. In addition, independent Claim 21 has been amended to recite that the handle is concealed by a perimeter of the door when the door is in the closed position.

As discussed above, Applicants respectfully assert that Curtiss does not teach, suggest or disclose each and every element of Claims 1, 15 and 21. In this regard, Curtiss does not teach, suggest or disclose a latching arrangement disposed within a recess of a

door such that the handle and pawl are hidden from view when the door is in the closed position, or that the handle is concealed by a perimeter of the door when the door is in the closed position. Rather, Curtiss teaches that the handle 36 is visible when the door 12 is in the closed position, as illustrated in Fig. 1. Additionally, Applicants note it would be improper to modify Curtiss to include the pawl and handle disposed within a recess of the door as it would change the principle of operation of the handle 36 of Curtiss. Applicants further note that none of the cited references disclose a cap portion as claimed, and thus, it would be improper to find Applicants' claims obvious in light of the cited art. Applicants note that modifying Curtiss to include a cap portion would also impermissibly change the principle of operation of the latch of Curtiss.

Accordingly, in view of the above, Applicants respectfully assert that Curtiss does not teach, suggest or disclose each and every feature of Claims 1, 15 and 21, and as such, Applicants respectfully request the Office to reconsider and withdraw the rejection of Claims 1, 15 and 21 under 35 U.S.C. § 102(b). Further, as Claims 2-4, 7, 12, 16, 17, 22 and 23 depend directly or indirectly from independent Claims 1, 15 or 21, Claims 2-4, 7, 12, 16, 17, 22 and 23 should be in condition for allowance for at least the reasons set forth for Claims 1, 15 and 21 above. Accordingly, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 2-4, 7, 12, 16, 17, 22 and 23 under 35 U.S.C. § 102(b).

REJECTION UNDER 35 U.S.C. § 103

Claims 7, 8, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop in view of Lyu (U.S. Pat. No. 5,906,423; hereinafter "Lyu"). Claims 9, 10, 18, 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop. Claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rop as applied to Claims 9, 10, 18 and 19, and further in view of Geddes (U.S. Pat. No. 2,172,467; hereinafter "Geddes"). These rejections are respectfully traversed.

With regard to Claims 7-11, 16-20 and 26, Applicants note that these claims depend directly or indirectly from either Claim 1, 15 or 21, and thus, should be in condition for allowance for the reasons set forth for Claim 1, 15 and 21 above. In addition, Applicants note that neither Lyu nor Geddes remedy the shortcomings of Rop, as discussed above. Thus, Applicants respectfully request that the Office reconsider and withdraw the rejections of Claims 7-11, 16-20 and 26 under 35 U.S.C. § 103(a).

NEW CLAIM

Applicants have added new Claim 29. Support for this new claim can be found throughout the specification and drawings as filed. As none of the cited references disclose a cap portion coupled to a side of the door, Applicants respectfully assert Claim 29 is patentable and in condition for allowance. Prompt and favorable consideration of Claim 29 are hereby respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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Respectfully submitted,

By 

Stephen T. Olson
Registration No.: 36,626
Erica K. Schaefer
Registration No.: 55,861
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
Attorneys for Applicants

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